



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,766	10/11/2001	Hisao Ikeda	214907US0	7572

22850 7590 04/01/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

BALASUBRAMANIAN, VENKATARAMAN

ART UNIT PAPER NUMBER

1624

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/973,766

Applicant(s)

IKEDA ET AL.

Examiner

Venkataraman
Balasubramanian

Art Unit

1624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached letter.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

ADVISORY LETTER

The response filed on 3/12/2003 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance for the following reasons.

Claims 1-2, 4-9, 11-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al. US 6,124,454 in view of Tsukamoto et al. US 5,892,065 for reasons of record. As for applicants' traversal the following apply:

1. Contrary to applicants' urging that in Ikeda et al. "all tris(2,3-epoxypropyl)-isocyanurate is crystallized and precipitated in epichlorohydrin as reaction substrate and a solvent" the step B of Ikeda et al clearly teaches removal of epichlorohydrin prior to recrystallization and in combination with the secondary reference which teaches need to remove epichlorohydrin and a process for the same as noted by the applicants, it would be obvious to one trained in the art to adopt the teachings of the combined references.
2. As can be seen from the examples of Ikeda et al. teaches a variation in epichlorohydrin content always less than 300 ppm and as low as 130 ppm in the final product. There is a clear-cut teaching that desirability of the reduction of residual level of epichlorohydrin in the final product. The fact that applicants' invention reduced it to 100 ppm is deemed as obvious variant given the combined teachings of the prior art cited. As for applicants' assertion that the examiner has misinterpreted the results of examples shown, applicants should note that it is subsequent to first crystallization, the instant invention further

reduces the epichlorohydrin content and that given the fact the prior art clearly teaches desirability of reduced level of epichlorohydrin in the final product, one trained in the art would be motivated to use the product with atmost 300 ppm epichlorohydrin (such as example 5 with 130 ppm) and reduce it further using the solvent taught by Ikeda et al.

3. As for the third issue raised by the applicants, again epichlorohydrin level after the first crystallization that the examiner had considered for comparison not the final processing. Hence the remark made by the examiner is proper to that extent.
4. As for the comment regarding the secondary reference Tsukamoto et al. applicants remarks in paper # 10 is limited to evaporation technique and examiner's comment is it is relevant to the removal epichlorohydrin form epoxy compound.

Hence based on the factual inquiry, the rejection is still deemed as proper and is maintained.

Conclusion

Any inquiry concerning this communication from the examiner should be addressed to Venkataraman Balasubramanian (Bala) whose telephone number is (703) 305-1674. The examiner can normally be reached on Monday through Thursday from 8.00 AM to 6.00 PM. The Supervisory Patent Examiner (SPE) of the art unit 1624 is Mukund Shah whose telephone number is (703) 308-4716.


Application/Control Number: 09/973,766

Page 4

Art Unit: 1624

The fax phone number for the organization where this application or proceeding is assigned (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.



RICHARD L. RAMEY
PRIMAERY
ART UNIT 1624

V. Balasubramanian

3/26/2003